

Draft Regulations

Draft Regulation

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Automobiles — Drummond — Revocation

Notice is hereby given that the Minister of State for Labour and Employment and Minister of Labour has received, within the context of a revision of the decrees in the automobile sector, an application from the various associations to consolidate the Decree respecting garage employees in the Drummond region (R.R.Q., 1981, c. D-2, r. 43) and the Decree respecting garage employees in the Mauricie region (R.R.Q., c. D-2, r. 45).

For that purpose, it is expedient to revoke the Decree respecting garage employees in the Drummond region and consequently to amend the territorial jurisdiction of the Decree respecting garage employees in the Mauricie region.

Notice is also given in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Decree to revoke the Decree respecting garage employees in the Drummond region, the text of which appears below, may be made by the Government at the expiry of the 45 days following this publication.

During the consultation period, the impact of the amendments sought will be clarified. According to the 1998 annual report of the Comité paritaire de l'industrie de l'automobile de la Mauricie, the Decree governs 144 employees, 50 artisans and 789 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1 (telephone: 418-528-9701, fax: 418-528-0559, e-mail: denis.laberge@travail.gouv.qc.ca).

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

NORMAND GAUTHIER,
Deputy Minister of Labour

Decree to revoke the Decree respecting garage employees in the Drummond region*

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 8)

1. The Decree respecting garage employees in the Drummond region is revoked.

2. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

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Draft Decree

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Automobiles — Arthabaska, Thetford-Mines, Granby and Sherbrooke — Amendments

Notice is hereby given that the Minister of State for Labour and Employment and Minister of Labour has received petitions for amendments to the Decree respecting garage employees in the Arthabaska, Thetford-Mines, Granby and Sherbrooke regions (R.R.Q., 1981, c. D-2, r. 42) from the current contracting parties as well as from associations governed by the Decree and that, under section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree amending the Decree respecting garage employees in the Arthabaska, Thetford-Mines, Granby and Sherbrooke regions, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

* The last amendment to the Decree respecting garage employees in the Drummond region (R.R.Q., 1981, c. D-2, r. 43) was made by the regulation made under Order in Council no. 1569-98 of 16 December 1998 (1998, G.O. 2, 6572). For previous amendments refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to March 1, 1999.

The purpose of the Draft Decree is to update most of the conditions of employment which have remained unchanged since May 11, 1989.

To do so, it proposes, in particular, new definitions of trades, to add new associations as contracting parties, to abolish certain classifications governed by the Decree currently in force and to specify the exclusions which will apply henceforth, to allow the regular workweek to be staggered to include Saturday and Sunday for certain trades, to change the conditions of application and the amount of the shift differential, to amend certain conditions of entitlement to statutory general holidays, to eliminate as a holiday the afternoons of December 24 and 31, to add the Monday preceding May 25 to the list of paid general holidays, to harmonize provisions governing annual leave with pay and special leave with provisions of the Act respecting labour standards, to increase wages to varying degrees depending on the employee's classification, to amend the special provision applicable to certain employees and, finally, to change the duration of the Decree as well as the conditions for opposing the Decree.

During the consultation period, the impact of the amendments sought will be clarified. According to the 1998 annual report of the Comité paritaire de l'industrie de l'Automobile des Cantons de l'Est (1971), the Decree governs 849 employers, 668 artisans and 3802 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1 (telephone: 418-528-9701, fax: 418-528-0559, e-mail: denis.laberge@travail.gouv.qc.ca).

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

NORMAND GAUTHIER,
Deputy Minister of Labour

Decree amending the Decree respecting garage employees in the Arthabaska, Thetford-Mines, Granby and Sherbrooke regions*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, ss. 2, 6.1, 6.2 and 10)

1. The title of the Decree respecting garage employees in the Arthabaska, Thetford-Mines, Granby and Sherbrooke regions is replaced by the following:

“Decree respecting the automotive services industry in the Arthabaska, Thetford-Mines, Granby and Sherbrooke regions”.

2. The Decree is amended by deleting the part preceding section 1.00.

3. Section 1.01 of the Decree is replaced by the following:

“**1.01.** For the purposes of this Decree, the following expressions mean:

(1) “apprentice”: employee who learns one of the trades for which the parity committee delivers a competency certificate;

(2) “artisan”: person working on his own account, alone or in partnership and who performs work subject to this Decree for others;

(3) “parts clerk”: employee whose duties consist mainly in distributing or selling vehicle parts, accessories or tires where such parts, accessories or tires are destined for garages, service stations, parts stores, new or used car dealers or to any establishment whose activities are governed by this Decree and who has fulfilled the necessary conditions in order to obtain the competence certificate required by the parity committee;

(4) “messenger”: employee working in an establishment where the work subject to this Decree is performed, whose duties consist mainly in delivering vehicle parts, accessories or tires;

* The Decree respecting garage employees in the Arthabaska, Thetford-Mines, Granby and Sherbrooke regions (R.R.Q., 1981, c. D-2, r. 42) was last amended by the Regulation made by Order in Council n° 1569-98 dated December 16, 1998 (1998, *G.O.* 2, 4815). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to March 1, 1999.

(5) “journeyman”: employee whose duties are related mainly to maintenance, tests, inspection, repairs, alterations or other work of the same type, necessary or useful to keep vehicles in good working order, and who has been qualified by the parity committee for one or more of the following automotive trades: bodyman, bodyman-painter, painter, mechanic, machinist, electrician, welder, radiator specialist, wheel aligner and automatic transmission specialist;

(6) “spouse”: a man or a woman who

- i. are married and cohabiting;
- ii. are living together as husband and wife and are the father and mother of the same child;
- iii. have been living together as husband and wife for one year or more;

(7) “dismantler”: employee whose duties consist mainly in dismantling vehicles for the purposes of selling or storing the parts;

(8) “grade”: period during which an employee acquires 2,000 hours’ experience in one of the classifications provided for in this Decree. Only those hours actually worked are taken into account in the computation of hours of experience.

(9) “combination of road vehicles”: a combination of vehicles composed of a motorized heavy road vehicle hauling a trailer, a semi-trailer or a detachable axle;

(10) “washer”: employee whose duties are related mainly to one of the following tasks: washing, cleaning, wiping or waxing vehicles or their parts, by hand or with machines;

(11) “semiskilled worker”: employee whose duties are related mainly to one of the following tasks: restoring, overhauling, repairing or retooling vehicle parts or accessories without assembling them on the vehicle, and examining parts or accessories sold with guarantees, whether or not they are installed on a vehicle, where they are returned because of a defect;

(12) “pump attendant”: employee whose duties are related mainly to the sale of gasoline or lubricants and to the supervision of pumps;

(13) “service attendant”: employee whose duties are related mainly to one of the following tasks:

(a) lubricating, changing oil, applying anti-rust, installing, repairing or dismantling tires, windshield wipers, headlights, filters, mufflers and radios, and installing or boosting batteries on a vehicle;

(b) transporting customers only if he performs also other tasks subject to this Decree;

(c) installing upholstery, hubcaps, windshields or windows;

(14) “uninterrupted service”: the uninterrupted period during which the employee is bound to the employer by a contract of employment, even if the performance of work has been interrupted without cancellation of the contract, and the period during which fixed-term contracts succeed one another without an interruption that would, in the circumstances, give cause to conclude that the contract was not renewed;

(15) “motor vehicle”: a road vehicle as defined in section 4 of the Highway Safety Code (R.S.Q., c. C-24.2), excluding mopeds and motorcycles as defined in section 4 of the Code, an all-terrain vehicle as defined in section 1 of the Regulation respecting all-terrain vehicles made by Order in Council n° 58-88 dated January 13, 1988, a snowmobile as defined in section 1 of the Regulation respecting snowmobiles (R.R.Q. 1981, c. C-24, r. 21) and any other vehicle intended to be used off public roads owing to its nature, purpose or the operation of a law;

(16) “heavy road vehicle”: a road vehicle whose net mass is 4,500 kg or more.”.

4. The Decree is amended by inserting, after section 1.01, the following:

“1.02 Names of Contracting Parties

(1) Group representing the employers’ party:

Corporation des concessionnaires d’automobiles de l’Estrie (C.C.A.D.E.) Inc.;

Automotive industries Association of Canada;

Association des spécialistes du pneu du Québec inc.;

L’Association des marchands Canadian Tire du Québec inc.;

Association des services de l’automobile;

Association des carrossiers professionnels du Québec;

(2) Group representing the employee’s party:

Association des employés de garages des Cantons de l’Est;

Fédération démocratique de la métallurgie, des mines et des produits chimiques (CSD);

Le Syndicat national des employés de l’automobile de la région de Victoriaville (CSN).”.

5. The heading of Division 2.00 is replaced by the following:

“2.00. Jurisdiction”.

6. Section 2.01 of the Decree is replaced by the following:

“2.01. Professional and Industrial Jurisdiction:

(1) This Decree applies to the following work performed on a motor vehicle:

(a) repairing, altering or inspecting a vehicle, its parts or accessories;

(b) restoring, overhauling, repairing, retooling or any other work of the same type performed on vehicle parts, accessories or tires, as well as their installation on those vehicles;

(c) completely or partially dismantling parts of motor vehicles;

(d) selling gasoline, lubricants or any other similar products used for motor vehicles where, in the establishment where such work is performed, work specified in paragraph *a, b, c* or *f* is also performed;

(e) washing, waxing or cleaning motor vehicles where, in the establishment where such work is performed, work specified in paragraph *a, b, c* or *f* is also performed;

(f) distributing or selling vehicle parts, accessories or tires employee whose duties consist mainly in distributing or selling vehicle parts, accessories or tires where such parts, accessories or tires are destined for garages, service stations, parts stores, new or used car dealers or to any establishment whose activities are governed by this Decree;

(g) delivering vehicle parts, accessories or tires where, in the establishment where such work is performed, other work subject to this Decree is also performed.

(2) **Exclusions:** This Decree does not apply to:

(a) work specified in subsection 1 where done exclusively for the employer's own service or own needs or where done exclusively on farm machinery;

(b) vulcanizing;

(c) the sale of parts to parts shops or to wholesalers, in a warehouse or in a distribution centre;

(d) the sale of parts in a warehouse only, where an employer's establishment is used both as a parts warehouse and as a parts shop;

(e) to work involved in producing or manufacturing motor vehicle parts or accessories serially.”.

7. Sections 3.01 to 10.03 of the Decree are replaced by the following:

“3.01. The regular workweek is 40 hours scheduled:

(1) from Monday to Friday, for the apprentice and the journeyman;

(2) from Monday to Saturday, for the dismantler, the washer, the semiskilled worker and the pump attendant;

(3) over no more than five consecutive days for the parts clerk, the messenger and the service attendant;

(4) over no more than six consecutive days for all the employees of an employer where the work specified in paragraph *a* or *b* of subsection 1 of section 2.01 is performed on or pertains to heavy road vehicles or to combinations of road vehicles.

3.02. The regular workday is 10 hours scheduled over a maximum period of 11 consecutive hours.

3.03. An employee may require a rest period of up to one hour, without pay, for meals, and the employer cannot require that the employee work more than five hours between each meal. That period is remunerated if the employee is not authorized to leave his work station.

3.04. An employee is deemed to be at work during the coffee break.

3.05. An employee is entitled to a weekly minimum rest period of 24 consecutive hours.

4.00. Overtime

4.01. Any hours worked in addition to the regular workday or workweek entail a premium of 50 % of the hourly wage currently paid to the employee, except for premiums computed on an hourly basis.

Notwithstanding the first paragraph, the employer may, at the request of the employee, replace the payment of overtime by paid leave equivalent to the overtime worked plus 50 %.

The leave must be taken during the 12 months following the overtime at a date agreed upon between the employer and the employee; otherwise the overtime must be paid. However, where the contract of employment is terminated before the employee is able to benefit from the leave, the overtime must be paid at the same time as the last payment of wages.

4.02. For the purposes of computing overtime, annual leave and statutory general holidays with pay are counted as days of work.

4.03. The hours worked between 9:00 p.m. and 7:00 a.m. by employees except for employees specified in paragraph 4 of section 3.01 entail a premium of 10 % of the hourly rate currently paid. The amount of the premium must not exceed \$0.70 per hour.

5.00. Recall to Work

5.01. An employee who reports to work at his place of employment at the express demand of his employer or in the regular course of his employment and who works fewer than three consecutive hours, except in the case of a fortuitous event, is entitled to an indemnity equal to three hours' wages at his hourly rate currently paid increased, as the case may be, in accordance with section 4.01 of this Decree.

5.02. An employee who is at his place of employment and is required to wait for work to be assigned to him is deemed to be working.

6.00. Statutory General Holidays

This division applies to all employees, except for section 6.07 which applies to pump attendants and to washers only.

6.01. The following days are statutory general holidays and non-working days with pay, regardless of the day of the week with which they coincide: January 1 and 2, Good Friday or Easter Monday, the Monday preceding May 25, July 1 or, where July 1 falls on a Sunday, July 2, the first Monday in September, the second Monday in October, December 25 and 26.

6.02. To be entitled to the statutory general holiday provided for in section 6.01, the employee must be credited with 60 days of uninterrupted service in the undertaking and not be absent from work on the first working day in his work schedule preceding and following that holiday.

However, an employee is deemed not to be absent from work on the first working day in his work schedule preceding and following a statutory general holiday if:

(1) the absence of the employee is authorized by a law or the employer, or is for a valid cause, and if the employee receives for the statutory general holiday no indemnity from the Commission de la santé et de la sécurité du travail, the employment insurance or from any private compensation plan for accidents, sickness or disability;

(2) the employee was laid off for less than 20 days preceding or following January 1 and 2 and for December 25 and 26, or for less than 48 hours for the other holidays provided for in section 6.01.

6.03. The employer must pay to an employee who is entitled to a statutory general holiday provided for in section 6.01 an indemnity equal to the average of his daily wages for the days worked during the complete period of pay preceding that holiday, excluding overtime.

6.04. An employee who must work on one of the statutory general holidays provided for in section 6.01 is paid for the hours worked at his wage currently paid, as well as receiving the indemnity for that holiday.

6.05. If an employee is on annual leave on one of the holidays provided for in section 6.01, the employer must pay him the indemnity provided for in section 6.03 or grant him a compensatory holiday of one day on a date agreed upon between the employer and the employee.

6.06. St. John the Baptist's Day is a statutory general holiday under the National Holiday Act (R.S.Q., c. F-1-1).

6.07. A pump attendant and a washer are entitled to the holiday provided for in section 6.01 where that holiday coincides with a working day, if they are credited with 60 days of uninterrupted service in the undertaking and are not absent from work without the employer's authorization or without valid cause, on the first working day provided for in their work schedule before or after that holiday.

The first paragraph does not confer any benefit on employees who would not have been entitled to remuneration on a day listed in section 6.01, except insofar as section 6.05 applies.

7.00. Annual Leave with Pay

7.01. The reference year is a period of 12 consecutive months during which an employee progressively acquires entitlement to an annual leave. That period extends from May 1 of the preceding year to April 30 of the current year.

7.02. An employee who, at the end of a reference year, is credited with less than one year of uninterrupted service with the same employer during that period, is entitled to an uninterrupted leave for a duration determined at the rate of one working day for each month of uninterrupted service, for a total leave not exceeding two weeks.

The indemnity for that leave is 4 % of the employee's gross wages during the reference year.

7.03. An employee who, at the end of a reference year, is credited with one year of uninterrupted service with the same employer during that period, is entitled to an annual leave of a minimum duration of two consecutive weeks.

The indemnity for that leave is 4 % of the employee's gross wages during the reference year.

The employee is also entitled to one week of additional annual leave without pay where he so requests.

7.04. An employee who, at the end of a reference year, is credited with five years of uninterrupted service with the same employer during that period, is entitled to an annual leave of a minimum duration of three consecutive weeks.

The indemnity for that leave is 6 % of the employee's gross wages during the reference year.

7.05. An employee who, at the end of a reference year, is credited with 15 years of uninterrupted service with the same employer during that period, is entitled to an annual leave of a minimum duration of four weeks, three of which are consecutive.

The indemnity for that leave is 8 % of the employee's gross wages during the reference year.

7.06. The annual leave must be taken within 12 months following the end of the reference year.

Any period of salary insurance, sickness insurance or disability insurance interrupted by a leave taken in accordance with the first paragraph is continued, where applicable, after the leave, as if it had never been interrupted.

7.07. The annual leave may be divided into two periods where so requested by the employee. However, the employer may refuse the request if he closes his establishment for a period equal to or greater than that of the employee's annual leave.

The annual leave may also be divided into more than two periods where so requested by the employee, provided the employer consents thereto.

A leave not exceeding one week cannot be divided.

7.08. An employee is entitled to know the date of his annual leave at least four weeks in advance.

An employee must notify the employer of when he prefers to take the annual leave at least four weeks in advance.

7.09. An employee must receive the indemnity for the annual leave in a single payment before the leave begins.

However, where the annual leave is divided in accordance with section 7.07, the indemnity will correspond to the fraction of the annual leave.

7.10. Employers are prohibited from replacing a leave provided for in sections 7.02 to 7.05 by a compensatory indemnity. At the request of the employee, the third week of leave and, where applicable, the fourth week, may, however, be replaced by a compensatory indemnity if the establishment closes for two weeks on the occasion of the annual leave.

7.11. Should an employee provided for in sections 7.03 to 7.05 be absent owing to sickness or accident or on maternity leave during the reference year and should that absence result in the reduction of that employee's annual leave indemnity, the employee is then entitled to an indemnity equal, as the case may be, to twice, three or four times the weekly average of the wage earned during the period of work. An employee provided for in section 7.02 whose annual leave is less than two weeks is entitled to that amount in proportion to the days of leave credited to his account.

Notwithstanding the first paragraph, the annual leave indemnity must not exceed the indemnity to which the employee would have been entitled if he had not been absent or on leave owing to a reason provided for in the first paragraph.

7.12. Where an employee leaves his job, he receives the indemnity related to the leave acquired before the preceding May 1, if the leave was not taken, as well as the indemnity due to him for the period which has elapsed since that date.

8.00. Special Leave

8.01. An employee may be absent from work for three days without reduction of wages by reason of the death or the funeral of his spouse, his child or the child of his spouse, or of his father, mother, brother or sister. He may also be absent from work, without pay, for three more days on such occasion.

8.02. An employee may be absent from work for one day without reduction of wages by reason of the death or the funeral of a son-in-law, daughter-in-law, one of his

grandparents or grandchildren, or of the father, mother, brother or sister of his spouse.

8.03. In the circumstances referred to in sections 8.01 and 8.02, the employee must advise his employer of his absence as soon as possible.

8.04. An employee may be absent from work for one day without reduction of wages, on his wedding day.

An employee may also be absent from work, without pay, on the wedding day of one of his children, of his father, mother, brother or sister or of a child of his spouse.

The employee must advise his employer of his absence not less than one week in advance.

8.05. An employee may be absent from work for five days at the birth of his child or the adoption of a child. The first two days of absence are remunerated if the employee is credited with 60 days of uninterrupted service.

This leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of his or her father or mother.

The employee must advise his employer of his absence as soon as possible.

However, an employee who adopts the child of his spouse may be absent from work for only two days, without pay.

9.00. Wages

9.01. The minimum hourly wage rates are as follows:

Classes of Employment	As of (insert here the date of the coming into force of this Decree)
(1) apprentice:	
1st year	\$7.25
2nd year	\$8.00
3rd year	\$8.75
4th year	\$9.50;
(2) journeyman:	
A	\$14.50
B	\$13.00
C	\$11.50;

Classes of Employment

As of (insert here the date of the coming into force of this Decree)

(3) parts clerk:	
A	\$11.55
B	\$11.00
C	\$10.45
1st year	\$7.25
2nd year	\$7.80
3rd year	\$8.40
4th year	\$8.90;
(4) messenger:	\$7.30;
(5) dismantler:	
1st grade	\$8.00;
2nd grade	\$8.50;
3rd grade	\$9.00;
(6) washer:	\$7.05;
(7) semiskilled worker:	\$8.75;
(8) pump attendant:	\$7.00;
(9) service attendant:	
1st grade	\$7.05
2nd grade	\$7.70
3rd grade	\$8.50
4th grade	\$8.80
5th grade	\$9.80
6th grade	\$10.80.

9.02. Wages must be paid in cash in a sealed envelope or by cheque by Thursday at the latest. The payment may be made by bank transfer if so provided in a written agreement.

An employee is deemed not to have received payment of the wages due to him if the cheque delivered to him is not cashable within two working days following its receipt.

After agreement with his employees, an employer may pay them every two weeks.

The wages of an employee must be paid directly to him, at his place of employment and on a working day, except where the payment is made by bank transfer or is sent by mail. The wages of an employee may also, at his written request, be remitted to a third person.

If the usual day of payment of wages falls on a general statutory holiday, the wages are paid to the employee on the working day preceding that day.

9.03. The employer must remit to the employee, together with his wages, a pay sheet containing sufficient information to enable the employee to verify the computation of his wages. That pay sheet must include, in particular, the following information, where applicable:

- (1) the name of the employer;
- (2) the surname and given name of the employee;
- (3) the identification of the employee's occupation;
- (4) the date of the payment and the work period corresponding to the payment;
- (5) the number of hours paid at the prevailing rate;
- (6) the number of hours of overtime paid or replaced by a leave with the applicable premium;
- (7) the nature and amount of the bonuses, premiums, commissions, indemnities or allowances that are being paid;
- (8) the prevailing hourly rate;
- (9) the amount of wages before deductions;
- (10) the nature and amount of the deductions effected;
- (11) the amount of the net wages paid to the employee.

9.04. The hourly wage rates provided for in section 9.01 are minimum hourly rates. Any commission, bonus, premium and any other form of remuneration must be paid to the employee in addition to the minimum hourly wage rate. No compensation or benefit having pecuniary value may be taken into account in computing the minimum hourly rate.

9.05. No signing formality other than that establishing that the sum remitted to the employee corresponds to the amount of net wages indicated on the pay sheet may be required upon payment of the wages.

9.06. Acceptance of a pay sheet by an employee does not entail his renunciation of the payment of all or part of the wages that are due to him.

9.07. No employer may make deductions from wages unless he is required to do so pursuant to an Act, a regulation, a court order, a collective agreement or a decree or unless he is authorized to do so in writing by the employee.

The employee may at any time revoke that authorization. The employer must remit the sums so withheld to their intended receiver.

9.08. Any gratuity paid directly or indirectly by a patron to an employee belongs to him of right and does not form part of the wages that are otherwise due to him. Any gratuity collected by the employer must be remitted to the employee. The word "gratuity" includes the service charge added to the patron's bill.

9.09. An employee called upon occasionally or regularly to occupy different positions receives the hourly wage corresponding to the position receiving the most pay and is entitled to all the related conditions of employment.

An employee assigned to a new position on a regular basis receives the hourly rate corresponding to his new position and is entitled to all the related conditions of employment.

9.10. If an employer terminates an employee's contract of employment and takes him back in the same employment within six months before the end of the contract, he must pay to the employee at least the wage rate he paid to him before the end of the contract of employment.

9.11. Notwithstanding any other provision of this Decree, the employee's weekly wage cannot be less than that he would receive if he were remunerated in accordance with the Regulation respecting labour standards (R.R.Q. 1981, c. N-1.1, r. 3).

10.00. Notice of termination of employment or lay-off, and work certificate

10.01. The employer must give written notice to an employee before terminating his contract of employment or laying him off for six months or more.

The notice shall be of one week if the employee is credited with less than one year of uninterrupted service, two weeks if he is credited with one year to five years of uninterrupted service, four weeks if he is credited with five years to ten years of uninterrupted service and eight weeks if he is credited with ten years or more of uninterrupted service.

A notice of termination of employment given to an employee during the period when he is laid off is null, except in the case of employment that usually lasts for not more than six months each year due to the influence of the seasons.

10.02. Section 10.01 does not apply to an employee:

(1) who has less than three months of uninterrupted service;

(2) whose contract for a fixed term or for a specific undertaking expires;

(3) who has committed a serious fault;

(4) for whom the end of the contract of employment or the layoff is a result of a fortuitous event.

10.03. An employer who does not give the notice prescribed in section 10.01, or who gives insufficient notice, must pay the employee a compensatory indemnity equal to his regular wage excluding overtime for a period equal to the period or remaining period of notice to which he was entitled.

The indemnity must be paid at the time the employment is terminated or at the time the employee is laid off for a period expected to last more than six months, or at the end of a period of six months after a layoff of indeterminate length, or a layoff expected to last less than six months but which exceeds that period.

10.04. At the expiry of the contract of employment, an employee may require his employer to issue him a work certificate in which the following information, and only the following information, is set forth: the nature and the duration of the employment, the dates on which his employment began and terminated, and the name and address of the employer. The certificate must not carry any mention of the quality of the work or the conduct of the employee.”.

8. Sections 12.00 to 13.01 of the Decree are replaced by the following:

“12.00. Special provision applying to certain employees

12.01. An employee who works exclusively as a brake specialist, suspension specialist, differential specialist or chassis or frame specialist is entitled, depending on the length of his service, to the minimum hourly rates provided for in section 9.01 for the apprentice or for the journeyman, as the case may be, as well as to all the conditions of employment provided for the latter.

13.00. Miscellaneous

13.01. Where an employer requires that a uniform be worn, he cannot deduct any amount from the salary for the purchase, use or care of the uniform.

14.00. Duration of Decree

14.01. This Decree remains into force until (*indicate here the date following the second anniversary of the coming into force of this Decree*). It is then renewed automatically from year to year, unless the group comprising the employer’s party or the employee’s party opposes it by sending written notice to the Minister of Labour and to all the contracting parties comprising the other group, during the month of (*indicate here the 6th month preceding the date of expiry of this Decree*) or during the (*indicate here the same month*) of any subsequent year.”.

9. Schedule 1 of the Decree is amended:

(1) by deleting “ADMINISTRATIVE REGION 03 — QUÉBEC”;

(2) by deleting “Subregion 03 — Québec”;

(3) by inserting, after “SCHEDULE 1 (s. 202)”, the following paragraph:

“This Decree applies over the territory of the following municipalities, included in administrative regions 05 — Estrie, 06 — Montréal, 12 — Chaudière-Appalaches, 16 — Montérégie and 17 — Centre-du-Québec.”;

(4) by deleting “Subregion 05 — Chaudière”;

(5) by replacing “Beaulac, Bernierville, Black-Lake, Courcelles” by “village de Beaulac, village de Bernierville, ville de Black-Lake, paroisse de Courcelles”;

(6) by replacing “village de Disraéli” by “ville de Disraéli”;

(7) by deleting “Gayhurst-Partie-Sud-Est”;

(8) by deleting “village d’Inverness”;

(9) by replacing “canton d’Inverness” by “Inverness”;

(10) by replacing “Ireland” by “Irlande”;

(11) by replacing “La Guadeloupe” by “village de La Guadeloupe”;

- (12) by replacing “Leeds” by “Saint-Jacques-de-Leeds”;
- (13) by deleting “Risborough et Partie de Marlow, Rivière-Blanche”;
- (14) by replacing “Robertsonville, Sacré-Cœur-de-Jésus, Sacré-Cœur-de-Marie-Partie-Sud, Sainte-Anne-du-Lac” by “village de Robertsonville, paroisse de Sacré-Cœur-de-Jésus, paroisse de Sacré-Cœur-de-Marie-Partie-Sud, village de Sainte-Anne-du-Lac”;
- (15) by replacing “Saint-Antoine-de-Pontbriand” by “Pontbriand”;
- (16) by replacing “Sainte-Clothilde” by “Sainte-Clotilde-de-Beauce”;
- (17) by replacing “Saint-Jacques-le-Majeur-de-Wolfestown” by “paroisse de Saint-Jacques-le-Majeur-de-Wolfestown”;
- (18) by replacing “Saint-Julien” by “paroisse de Saint-Julien”;
- (19) by replacing “Saints-Martyrs-Canadiens” by “paroisse des Saints-Martyrs-Canadiens”;
- (20) by replacing “Sainte-Praxède” by “paroisse de Sainte-Praxède”;
- (21) by replacing “Thetford-Mines, Thetford-Partie-Sud” by “ville de Thetford-Mines, canton de Thetford-Partie-Sud”;
- (22) by deleting “ADMINISTRATIVE REGION 04 — TROIS-RIVIÈRES”;
- (23) by deleting “Subregion 01 — Bois-Francs”;
- (24) by deleting “Arthabaska”;
- (25) by replacing “Chester-Est” by “canton de Chester-Est”;
- (26) by deleting “Chester-Nord, Chester-Ouest”;
- (27) by deleting “Halifax-Nord”;
- (28) by replacing “Maddington, Noberville, Notre-Dame-de-Lourdes, Plessisville” by “canton de Maddington, village de Noberville, Notre-Dame-de-Ham, ville de Plessisville”;
- (29) by replacing “Princeville” by “ville de Princeville”;
- (30) by replacing “Saint-Albert-de-Warwick, Sainte-Anne-du-Sault, paroisse de Sainte-Clothilde-de-Horton” by “Saint-Albert, paroisse de Sainte-Anne-du-Sault, Sainte-Clotilde-de-Horton”;
- (31) by deleting “village de Sainte-Clothilde-de-Horton”;
- (32) by replacing “Saint-Christophe-d’Arthabaska, Sainte-Elizabeth-de-Warwick” by “paroisse de Saint-Christophe-d’Arthabaska, paroisse de Sainte-Élisabeth-de-Warwick”;
- (33) by deleting “Sainte-Julie, Saint-Jacques-de-Horton”;
- (34) by replacing “Saint-Louis-de-Blandford” by “paroisse de Saint-Louis-de-Blandford”;
- (35) by replacing “Saint-Pierre-Baptiste, Saint-Rémi-de-Tingwick, Saint-Rosaire, Sainte-Séraphine, Sainte-Sophie” by “paroisse de Saint-Pierre-Baptiste, paroisse de Saint-Rémi-de-Tingwick, paroisse de Saint-Rosaire, paroisse de Sainte-Séraphine, Sainte-Sophie-d’Halifax”;
- (36) by deleting “Sainte-Victoire-d’Arthabaska”;
- (37) by replacing “Tingwick, Victoriaville, Warwick” by “paroisse de Tingwick, ville de Victoriaville, ville de Warwick”;
- (38) by deleting “ADMINISTRATIVE REGION 05 — ESTRIE”;
- (39) by replacing “Asbestos” by “Ville d’Asbestos”;
- (40) by replacing “Ayer’s-Cliff” by “village d’Ayer’s-Cliff”;
- (41) by deleting “Barford, Barnston”;
- (42) by deleting “Beebe-Plain, Bishopton”;
- (43) by deleting “Brompton, Brompton Gore”;
- (44) by replacing “Bromptonville” by “ville de Bromptonville”;
- (45) by replacing “Cleveland” by “canton de Cleveland”;
- (46) by deleting “Clifton-Partie-Est”;
- (47) by replacing “Coaticook” by “ville de Coaticook”;

(48) by replacing “Cookshire, Danville” by “ville de Cookshire, ville de Danville”;

(49) by deleting “Ditton”;

(50) by replacing “East-Angus, Eaton, Fleurimont” by “ville d’East-Angus, canton d’Eaton, ville de Fleurimont”;

(51) by deleting “Fontainebleau”;

(52) by deleting “village de Hatley, Hatley-Partie-Ouest”;

(53) by replacing “Hereford, Kingsbury, Lac-Mégantic” by “East-Hereford, village de Kingsbury, ville de Lac-Mégantic”;

(54) by replacing “Lennoxville, Lingwick, Magog” by “ville de Lennoxville, canton de Lingwick, ville de Magog”;

(55) by deleting “Marbleton”;

(56) by replacing “Marston” by “canton de Marston”;

(57) by replacing “Newport, North-Hatley, Notre-Dame-de-Lourdes-de-Ham” by “canton de Newport, village de North-Hatley, paroisse de Notre-Dame-de-Lourdes”;

(58) by replacing “Omerville, Orford” by “village d’Omerville, canton d’Orford”;

(59) by replacing “Richmond, Rock-Forest, Rock-Island, Sawyerville, Scotstown, Sherbrooke, Shipton, Stanstead” by “ville de Richmond, ville de Rock-Forest, village de Sawyerville, ville de Scotstown, ville de Sherbrooke, ville et canton de Stanstead”;

(60) by deleting “Stanstead-Plain”;

(61) by replacing “Stratford” by “canton de Stratford”;

(62) by replacing “canton de Saint-Adrien” by “Saint-Adrien”;

(63) by replacing “Saint-Augustin-de-Woburn, Saint-Camille” by “paroisse de Saint-Augustin-de-Woburn, canton de Saint-Camille”;

(64) by replacing “Saint-Denis-de-Brompton, Sainte-Edwidge-de-Clifton” by “paroisse de Saint-Denis-de-Brompton, canton de Sainte-Edwidge-de-Clifton”;

(65) by replacing “Saint-François-Xavier-de-Brompton, village de Saint-Georges-de-Windsor, canton de Saint-Georges-de-Windsor, Saint-Gérard, Saint-Grégoire-de-Greenlay, village de Sainte-Herménégilde, Saint-Herménégilde, Saint-Isidore-d’Auckland, Saint-Joseph-de-Ham-Sud” by “paroisse de Saint-François-Xavier-de-Brompton, Saint-Georges-de-Windsor, village de Saint-Gérard, village de Saint-Grégoire-de-Greenlay, Saint-Herménégilde, Saint-Isidore-de-Clifton, paroisse de Saint-Joseph-de-Ham-Sud”;

(66) by deleting “Saint-Mathieu-de-Dixville”;

(67) by replacing “Saint-Venant-de-Hereford” by “Saint-Venant-de-Paquette”;

(68) by replacing “Val-Racine, Waterville, canton de Weedon, village de Weedon Centre, Westbury, Windsor, canton de Windsor” by “Val-Joli, paroisse de Val-Racine, ville de Waterville, Weedon, canton de Westbury, ville de Windsor”;

(69) by deleting “Wottonville”;

(70) by deleting “ADMINISTRATIVE REGION 06 — MONTRÉAL”;

(71) by deleting “Subregion 01 — Granby”;

(72) by deleting “Adamsville”;

(73) by replacing “Bromont, Cowansville, Dunham, Eastman, East-Farnham, Farnham, Granby” by “ville de Bromont, ville de Cowansville, ville de Dunham, village d’Eastman, village d’East-Farnham, ville de Farnham, ville de Granby”;

(74) by replacing “Lac-Brome, Lawrenceville” by “ville de Lac-Brome, village de Lawrenceville”;

(75) by replacing “Potton” by “canton de Potton”;

(76) by replacing “Roxton, Roxton-Falls” by “canton de Roxton, village de Roxton-Falls”;

(77) by replacing “Shefford” by “canton de Shefford”;

(78) by replacing “Stukely-Sud, Saint-Alphonse” by “Stukely, paroisse de Saint-Alphonse”;

(79) by deleting “Saint-Ange-Gardien”;

(80) by replacing “Sainte-Cécile-de-Milton, Saint-Césaire” by “canton de Sainte-Cécile-de-Milton, ville de Saint-Césaire”;

(81) by replacing “Saint-Joachim-de-Shefford, Saint-Paul-d’Abbotsford” by “paroisse de Saint-Joachim-de-Shefford, paroisse de Saint-Paul-d’Abbotsford”;

(82) by deleting “village de Sainte-Pudentienne, paroisse de Sainte-Pudentienne”;

(83) by replacing “Saint-Valérien-de-Milton” by “canton de Saint-Valérien-de-Milton”;

(84) by replacing “Valcourt, Warden, Waterloo” by “ville de Valcourt, village de Warden, ville de Waterloo”;

(85) by deleting “Subregion 04 — Saint-Hyacinthe”;

(86) by replacing “ville de Saint-Damase” by “village de Saint-Damase”.

10. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

3043

Draft Regulation

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Automobiles

— Mauricie

— Amendments

Notice is hereby given that the Minister of State for Labour and Employment and Minister of Labour has received applications for amendments to the Decree respecting garage employees in the Mauricie region (R.R.Q., 1981, c. D-2, r. 45) from the current contracting parties as well as from associations concerned by the Decree and the Decree respecting garage employees in the Drummond region and that, under section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree to amend the Decree respecting garage employees in the Mauricie region, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is, on the one hand, to integrate the decrees respecting the garage employees in the Mauricie and Drummond regions and, on the other hand, to update most of the conditions of employment which have remained unchanged in both decrees since 1989.

To do so, it proposes, in particular, new definitions of trades, to add new associations as contracting parties, to abolish certain classifications governed under the current jurisdiction of the Decree and to specify the exclusions which will apply henceforth, to allow the regular workweek to be scheduled so as to include Saturday and Sunday for certain trades, to change the conditions of application and the amount of the shift premiums, to amend the list of holidays and certain conditions of entitlement to those holidays, to harmonize provisions governing annual vacations, special leaves and the notice of termination of employment with provisions of the Act respecting labour standards, to increase wages to varying degrees depending on the employee’s classification and, finally, to change the duration of the Decree as well as the conditions for opposing the Decree.

During the consultation period, the impact of the amendments sought will be clarified. According to the 1998 annual report of the Comité paritaire de l’industrie de l’automobile de la Mauricie, the Decree governs 413 employers, 117 artisans and 1969 employees.

Further information may be obtained by contacting Mr. Denis Laberge, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1 (telephone: 418-528-9701, fax: 418-528-0559, e-mail: denis.laberge@travail.gouv.qc.ca).

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

NORMAND GAUTHIER,
Deputy Minister of Labour

Decree to amend the Decree respecting garage employees in the Mauricie region*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, ss. 2, 6.1, 6.2 and 10)

1. The following title is substituted for the Decree respecting garage employees in the Mauricie region:

“Decree respecting the automotive services industry in the Drummond and the Mauricie regions”.

* The Decree respecting garage employees in the Mauricie region (R.R.Q., 1981, c. D-2, r. 45) was last amended by the Regulation made by Order in Council no. 1569-98 dated 16 December 1998 (1998, *G.O.* 2, 6572). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.